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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/715,062 | 11/17/2003 | Timothy Alan Dietz | AUS919990380US2 | 5391 |
| 35525 7590 09/05/2007 IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380 | | | EXAMINER LASTRA, DANIEL | |
| | | | ART UNIT 3622 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,062

Applicant(s)

DIETZ, TIMOTHY ALAN

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/07/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 have been examined. Application 10/715,062 (DYNAMIC WEB PAGE CONSTRUCTION BASED ON DETERMINATION OF CLIENT DEVICE LOCATION) has a filing date 11/17/2003 and is a continuation of 09409596 (09/30/1999).

Response to Amendment

2. In response to Non Final Rejection filed 03/12/2007, the Applicant filed an Amendment on 06/07/2007, which amended claims 1, 5, 6, 7, 9 and 21.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-13, 15-19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Dowling (US 6,522,875).

Claims 1, 9, 15 and 21, Dowling teaches:

A method for *generating and serving a web page by a server data processing system*, comprising the steps *performed by the server data processing system* of:

storing a set of location-specific page elements (see col 4, lines 20-30);

receiving a request for the web page from a first client browser, the request including a geographic location data string identifying a first location of the first client browser (see col 4, lines 45-65);

responsive to the request being received dynamically building the web page using the geographic location data string to select a given one of the set of location-specific page elements having content associated with a physical location in proximity to the first location of the first client browser (see col 4, lines 45-65);

serving the web page in response to the request (see col 4, lines 45-65);

receiving a subsequent request for the web page from either the first client browser or a second client browser different from the first client browser (see col 10, lines 10-40);

determining if the subsequent request originates from a second location that is proximate to the first location of the first client browser and providing a cached version of the web page with the selected location-specific page element if the second location is proximate to the first location (see col 10, lines 10-40).

Claims 2, 11 and 17, Dowling teaches:

The method as described in Claim 1 wherein the geographic location data string is provided by a Global Positioning System (GPS) device coupled to a client computer in which the first client browser is resident (see col 4, lines 30-45).

Claims 3, 12 and 18, Dowling teaches:

The method as described in Claim 1 wherein the location-specific page elements are a set of web page advertisements (see col 4, lines 45-65).

Claims 4, 13 and 19, Dowling teaches:

The method as described in Claim 3 wherein the given one of the set of location-specific page elements is a web page advertisement for a business located in proximity to the location of the first client browser (see col 4, lines 45-65).

Claim 5, Dowling teaches:

A method for serving a webpage, comprising the steps of:

storing a set of location-specific page elements (see col 4, lines 20-30);

receiving a request for the web page from a first client browser, the request including a geographic location data string identifying a first location of the first client browser (see col 4, lines 45-65);

dynamically building the web page using the geographic location data string to select a given one of the set of location-specific page elements having content associated with a physical location in proximity to the first location of the first client browser (see col 4, lines 45-65);

serving the web page in response to the request (see col 4, lines 45-65);

receiving a subsequent request for the web page from either the first client browser or a second client browser different from the first client browser (see col 10, lines 10-40);

determining if the subsequent request originates from a second location that is proximate to the first location of the first client browser and providing a cached version

Art Unit: 3622

of the web page with the selected location-specific page element if the second location is proximate to the first location (see col 10, lines 10-40)

wherein the first client browser provides the geographic location data string in a cookie (see col 4, lines 45-65 "packet filter").

Claim 6, Dowling teaches:

A method for serving a web page, comprising the steps of:

storing a set of location-specific page elements (see col 4, lines 20-30);

receiving a request for the web page from a first client browser, the request including a geographic location data string identifying a first location of the first client browser (see col 4, lines 45-65);

dynamically building the web page using the geographic location data string to select a given one of the set of location-specific page elements having content associated with a physical location in proximity to the first location of the first client browser (see col 4, lines 45-65);

serving the web page in response to the request (see col 4, lines 45-65);

receiving a subsequent request for the web page from either the first client browser or a second client browser different from the first client browser (see col 10, lines 10-40);

determining if the subsequent request originates from a second location that is proximate to the first location of the first client browser and providing a cached version of the web page with the selected location-specific page element if the second location is proximate to the first location (see col 10, lines 10-40).

wherein the first client browser provides the geographic location data string in an HTML form (see col 13, lines 25-40).

Claim 7, Dowling teaches:

A method for serving a web page, comprising the steps of:

storing a set of location-specific page elements (see col 4, lines 20-30);

receiving a request for the web page from a first client browser, the request including a geographic location data string identifying a first location of the first client browser (see col 4, lines 45-65);

dynamically building the web page using the geographic location data string to select a given one of the set of location-specific page elements having content associated with a physical location in proximity to the first location of the first client browser (see col 4, lines 45-65);

serving the web page in response to the request (see col 4, lines 45-65);

receiving a subsequent request for the web page from either the first client browser or a second client browser different from the first client browser (see col 10, lines 10-40);

determining if the subsequent request originates from a second location that is proximate to the first location of the first client browser and providing a cached version of the web page with the selected location-specific page element if the second location is proximate to the first location (see col 10, lines 10-40).

wherein the set of location-specific page elements are stored at a third party server (see figure 1, item 120).

Claims 10 and 16, Dowling teaches:

The computer program product as described in Claim 9 further including means for serving the web page in response to the request (see col 4, lines 45-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling (US 6,522,875).

Claims 8, 14 and 20, Dowling fails to teach:

The method as described in Claim 1 wherein the web page is built using a Java server page mechanism. However, Official Notice is taken that it is old and well known in the computer art to build web pages using a Java server page mechanism. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Dowling would use Java server page mechanism in order to built web pages as it is old and well known to do so.

Response to Arguments

5. Applicant's arguments filed 06/07/2007 have been fully considered but they are not persuasive. The Applicant argues that Dowling does not teach that "the content for a

web page is dynamically generated and presented to the user based upon their user selection". The Examiner answers that Dowling teaches that the user selects an area of interest using his Internet browser and based upon said selection a webpage page is created "on the fly" (see col 11, lines 45-55; col 12, lines 35-50). Therefore, contrary to Applicant's argument, Dowling teaches creating web pages "on the fly" or dynamically.

The Applicant argues that Dowling does not teach "receiving a request for the web page from a first client browser, the request including a geographic location data string identifying a first location of the first client browser", since the user according to the Applicant does not request anything and in Dowling the GPS location information is not received from a client browser but instead is received from a client GPS device. The Examiner answers that Dowling teaches a geographically controlled web browser where a user may provide navigation commands and navigating said web browser using conventional methods such as keywords entries or mouse clicks (see col 14, lines 32-60). Therefore, contrary to Applicant's argument, Dowling teaches requesting geographic location data.

The Applicant argues with respect to claim 5 that Dowling packet filter is not used to provide location information that is received from a client browser. The Examiner answers that Dowling teaches a "geographical packet" that is a type of request packet sent by geographical browser to request application data such as web pages from a server (see col 15, lines 30-40). Therefore, contrary to Applicant's argument, Dowling teaches providing location information that is received from a client browser where said location information could be construed as a "cookie" containing location data.

The Applicant argues that Dowling does not teach that HTML is used to provide geographic data string. The Examiner answers that Dowling teaches a geographically controlled web browser where a user may provide navigation commands and navigating said web browser using conventional methods such as keywords entries or mouse clicks (see col 14, lines 32-60). Therefore, contrary to Applicant's argument, Dowling teaches requesting geographic location data using HTML entries.

The Applicant argues that Dowling does not teach the location page elements are stored in a third party server. The Examiner answers that Dowling teaches a third party server (*i.e.* central server or virtual server) that provides with geographic web pages to mobile users (see col 4, lines 30-50). Therefore, contrary to Applicant's argument, Dowling teaches a "third party" server.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3622

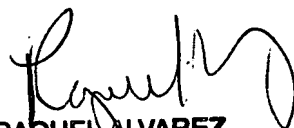
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
August 14, 2007


RAQUEL ALVAREZ
PRIMARY EXAMINER